

Notice of Allowability

Application No.

09/917,379

Examiner

Jeffrey D. Popham

Applicant(s)

HAMMAN ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/30/2006.
2. ☒ The allowed claim(s) is/are 1-5, 7, 10-23, 27-32, 36-38 and 40-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20060801</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Oaks on 8/1/2006.

Please amend the claims as follows:

In the Claims:

1. (Previously Presented) A system for playing a lottery-type game, comprising:

a play generator operable to generate a playfile without input from any player of the game, the playfile having a plurality of records, each record comprising a numeric value;

a win generator operable to generate a winning number based on:

a plurality of seeds from public, verifiable random sources; and

a winning number algorithm received in the playfile from the play generator, the winning number algorithm specifying a numeric calculation using the seeds to generate the winning number; and

an evaluator operable to receive the playfile and the winning number, the evaluator operable to retrieve a record from the playfile in response to input from a player, to compare a numeric value in the retrieved record to the winning number, and to communicate a win/loss result to the player; and

wherein the play generator further comprises a verify module operable to receive the seeds and execute the winning number algorithm to verify the win/loss result.

2. (Original) The system of Claim 1, wherein the evaluator receives the playfile in an electronic format at an interface coupled to a network that provides an electronic communication path between the evaluator and the play generator.

3. (Original) The system of Claim 1, wherein the evaluator receives the playfile prior to the win generator generating the winning number.

4. (Original) The system of Claim 1, wherein the evaluator is further operable to:

store the playfile prior to playing the lottery-type game, the playfile representing a number of plays at a win probability; and

communicate a win/loss result to the player in a sufficiently small amount of time to convey a real-time play experience to a user of the player.

5. (Original) The system of Claim 1, wherein the play generator generates a plurality of numeric values for the playfile based on a number of plays and a win probability.

6. (Canceled)

7. (Currently Amended) The system of Claim 1 6, wherein the random sources comprise a lottery result, weather data, or environmental noise.

8. (Canceled)

9. (Canceled)

10. (Original) The system of Claim 1, wherein the playfile comprises an encrypted playfile and an extractor, the evaluator operable to decrypt, in response to input from the player, only a next record in the encrypted playfile using the extractor.

11. (Original) The system of Claim 1, wherein the playfile comprises an encrypted playfile and an extractor, wherein the evaluator is further operable to:
decrypt a previous record in the playfile, the decrypted previous record comprising a key; and

decrypt, in response to input from the player, only a next record in the encrypted playfile using the extractor and the key.

12. (Original) The system of Claim 1, wherein the playfile comprises an encrypted playfile and an extractor, each record of the playfile comprises a verification string, a numeric value, and a key, the evaluator is further operable to:

decrypt a previous record in the playfile, the decrypted previous record comprising a key;

decrypt, in response to input from the player, only a current record in the encrypted playfile using the extractor and the key;

retrieve a verification string from the decrypted current record;

compare the verification string to an authorized string;

retrieve a numeric value from the decrypted current record if the verification string matches the authorized string; and

retrieve a next key from the decrypted current record for use in decrypting a next record.

13. (Currently Amended) A method for playing a lottery-type game, comprising:

storing a playfile received from a remote location, the playfile having a plurality of records, each record comprising a numeric value;

receiving a plurality of seeds from public, verifiable random sources;

receiving a winning number algorithm that specifies a numeric calculation using the seeds to generate a winning number;

generating the winning number using the seeds and the winning number algorithm;

receiving input from a player;

retrieving a record from the playfile in response to the input;

comparing a numeric value in the retrieved record to the winning number to determine a win/loss result;

at the remote location, executing using the seeds and the winning number algorithm using the seeds to verify the win/loss result; and

communicating the win/loss result to the player.

14. (Original) The method of Claim 13, wherein the playfile is stored prior to determining a winning number.

15. (Original) The method of Claim 13, wherein:
the playfile is stored prior to playing the lottery-type game, the playfile representing a number of plays at a win probability; and
the step of communicating a win/loss result to the player is performed in a sufficiently small amount of time to convey a real-time play experience to a user of the player.

16. (Original) The method of Claim 13, wherein the steps of retrieving, comparing, and communicating are performed locally at a single evaluator site without external communication.

17. (Original) The method of Claim 13, wherein receiving a playfile comprises receiving a playfile in an electronic format from a remote location.

18. (Original) The method of Claim 13, wherein the playfile comprises an encrypted playfile and an extractor, the retrieving step further comprising decrypting, in response to the input, only a next record in the encrypted playfile using the extractor.

19. (Original) The method of Claim 13, wherein the playfile comprises an encrypted playfile and an extractor, the retrieving step further comprising:
receiving a key; and
decrypting, in response to the input, only a next record in the encrypted playfile using the extractor and the key.

20. (Previously Presented) The method of Claim 19, further comprising:
normalizing a numeric value in the decrypted record to adjust locally the win probability.

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21. (Previously Presented) The method of Claim 19, wherein receiving a key comprises decrypting a previous record in the playfile, the decrypted previous record comprising a key.

22. (Previously Presented) The method of Claim 19, wherein receiving a key comprises receiving the key from a remote location.

23. (Original) The method of Claim 13, wherein the playfile comprises an encrypted playfile and an extractor, each record of the playfile comprises a verification string, a numeric value, and a key, the retrieving step further comprises:

decrypting a previous record in the playfile, the decrypted previous record comprising a key;

decrypting, in response to the input, only a current record in the encrypted playfile using the extractor and the key;

retrieving a verification string from the decrypted current record;

comparing the verification string to an authorized string;

retrieving a numeric value from the decrypted current record if the verification string matches the authorized string; and

retrieving a next key from the decrypted current record for use in decrypting a next record.

24. (Canceled)

25. (Canceled)

26. (Canceled)

27. (Previously Presented) The method of Claim 13, wherein the step of storing the playfile occurs before the step of determining the winning number.

28. (Previously Presented) A method for playing a lottery-type game, comprising:

- storing a playfile received in an electronic format from a remote location, the playfile representing a number of plays and a win probability and including an encrypted playfile having a plurality of records and an extractor, each record of the playfile comprising a verification string, a numeric value, and a key;

- after storing the playfile, receiving a winning number computed using a plurality of published, independent lottery results;

- receiving a key;

- decrypting, in response to input from a player, only a current record in the encrypted playfile using the extractor and the key;

- retrieving a verification string from the decrypted current record;

- comparing the verification string to an authorized string;

- retrieving a numeric value from the decrypted current record if the verification string matches the authorized string;

- normalizing a numeric value in the decrypted record to adjust locally the win probability;

- comparing the numeric value to the winning number;

- communicating a win/loss result to the player; and

- retrieving a next key from the decrypted current record for use in decrypting a next record.

29. (Original) The method of Claim 28, wherein receiving a key comprises decrypting a previous record in the playfile, the decrypted previous record comprising a key.

30. (Original) The method of Claim 28, wherein receiving a key comprises receiving a key communicated from a remote location.

31. (Original) The method of Claim 28, wherein the step of communicating a win/loss result to the player is performed in a sufficiently small amount of time to convey a real-time play experience to a user of the player.

32. (Original) The method of Claim 28, wherein the steps of retrieving a numeric value, comparing, and communicating are performed locally at a single evaluator site without external communication.

33. (Canceled)

34. (Canceled)

35. (Canceled)

36. (Previously Presented) An apparatus for playing a lottery-type game, comprising:

a memory operable to store a playfile received from a remote location, the playfile having a plurality of records, each record comprising a numeric value, the memory further operable to store a winning number;

wherein the playfile comprises an encrypted playfile and an extractor, the processor further operable to:

receive a key;

decrypt, in response to the input, only a next record in the encrypted playfile using the extractor and the key; and

normalize a numeric value in the decrypted record to adjust locally the win probability.

an interface operable to receive input from a player; and

a processor operable to retrieve a record from the playfile in response to the input, to compare a numeric value in the retrieved record to the winning number, and to communicate a win/loss result to the player.

37. (Original) The apparatus of Claim 36, wherein the memory stores the playfile prior to storing the winning number.

38. (Original) The apparatus of Claim 36, wherein the playfile comprises an encrypted playfile and an extractor, the processor further operable to decrypt, in response to the input, only a next record in the encrypted playfile using the extractor.

39. (Canceled)

40. (Original) The apparatus of Claim 36, wherein the playfile comprises an encrypted playfile and an extractor, each record of the playfile comprises a verification string, a numeric value, and a key, wherein the processor is further operable to:

decrypt a previous record in the playfile, the decrypted previous record comprising a key;

decrypt, in response to the input, only a current record in the encrypted playfile using the extractor and the key;

retrieve a verification string from the decrypted current record;

compare the verification string to an authorized string;

retrieve a numeric value from the decrypted current record if the verification string matches the authorized string; and

retrieve a next key from the decrypted current record for use in decrypting a next record.

41. (Currently Amended) Logic encoded in a computer-readable medium media-for playing a lottery-type game, the logic operable, when executed by a computer, to perform the following steps:

storing a playfile received from a remote location, the playfile having a plurality of records, each record comprising a numeric value;

determining a winning number based on:

a plurality of seeds from public, verifiable random sources; and
a winning number algorithm received in the playfile from the play generator, the winning number algorithm specifying a numeric calculation using the seeds to generate the winning number;
receiving input from a player;
retrieving a record from the playfile in response to the input;
comparing a numeric value in the retrieved record to the winning number to determine a win/loss result;
~~at the remote location, executing using the seeds and the winning number~~
algorithm using the seeds to verify the win/loss result; and
communicating a the win/loss result to the player.

42. (Original) The logic of Claim 41, wherein:
the playfile is stored prior to playing the lottery-type game, the playfile representing a number of plays at a win probability; and
the step of communicating a win/loss result to the player is performed in a sufficiently small amount of time to convey a real-time play experience to a user of the player.

43. (Original) The logic of Claim 41, wherein the playfile comprises an encrypted playfile and an extractor, the retrieving step further comprising decrypting, in response to the input, only a next record in the encrypted playfile using the extractor.

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44. (Original) The logic of Claim 41, wherein the playfile comprises an encrypted playfile and an extractor, the retrieving step further comprising:

- receiving a key;
- decrypting, in response to the input, only a next record in the encrypted playfile using the extractor and the key; and
- normalizing a numeric value in the decrypted record to adjust locally the win probability.

45. (Original) The logic of Claim 41, wherein the playfile comprises an encrypted playfile and an extractor, each record of the playfile comprises a verification string, a numeric value, and a key, the retrieving step further comprises:

- decrypting a previous record in the playfile, the decrypted previous record comprising a key;
- decrypting, in response to the input, only a current record in the encrypted playfile using the extractor and the key;
- retrieving a verification string from the decrypted current record;
- comparing the verification string to an authorized string;
- retrieving a numeric value from the decrypted current record if the verification string matches the authorized string; and
- retrieving a next key from the decrypted current record for use in decrypting a next record.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The closest prior art consists of Cummings (U.S. Patent 6,183,361), Bradish (U.S. Patent 5,830,064), Backus (U.S. Patent 5,197,736), Dray (U.S. Patent Application Publication 2002/0184485), and Taaffe (U.S. Patent 4,747,139). Cummings teaches a system for playing finite and pari-mutuel keno in which players bet based upon pools of wins, and the winning numbers are selected randomly based upon how many numbers the player's record from the pool indicates he/she is entitled to a match. The closest prior art, however, fails to teach a verification step at the play generator (remote location) that executes the winning number algorithm using the seeds, since the play generator already knows how many "hits" each play is going to have, meaning that any winning number verification to be done at the play generator will involve a comparison to determine whether or not the appropriate number of hits for a particular play are present in the winning numbers. The closest prior art also fails to teach a normalizing step within the evaluator, used to adjust the win probability at the evaluator, since the win probabilities in Cummings are already set to a predetermined limit, any change to these win probabilities after generation of the playfiles would provide no benefit within the system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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